

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA**

A.S.R., on his own behalf and on behalf of others
similarly situated,

Petitioners,

v.

DONALD J. TRUMP, *et al.*,

Respondents.

Case No. 3:25-cv-00113 (SLH)

DECLARATION OF DEPUTY FIELD OFFICE DIRECTOR DAVID O'NEILL

I, David O'Neill, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury as follows:

1. I am an adult over the age of 18 and competent to give this declaration.
2. I am currently employed by the U.S. Department of Homeland Security (DHS), Enforcement and Removal Operations (ERO). I have worked for the ERO Philadelphia Field Office since August of 1996. I currently hold the position of Deputy Field Office Director (DFOD) and have held this position since May 2020.
3. As DFOD, my duties include oversight over ERO Philadelphia's detained docket and general custody management.
4. As the DFOD, I am responsible for, among other things, oversight of the detention of aliens in the Philadelphia area of responsibility, including the Moshannon Valley Processing Center (MVPC) in Phillipsburg, Pennsylvania and have access to records maintained in the ordinary course of business by ICE, including documentary records concerning the Philadelphia ERO Field Office and the alien detainees who fall within the responsibility of that field office.

5. The following information is based on my personal knowledge and my review of information obtained from other individuals employed by DHS, information obtained from government records and databases maintained by DHS, and other documents related to the case of petitioner, A.S.R.

A.S.R.

6. A.S.R. is a native and citizen of Venezuela. He illegally entered the United States from Mexico on or about November 22, 2023, without inspection.

7. On November 22, 2023, A.S.R. was encountered as part of a family unit by the United States Border Patrol (USBP) near the El Paso, Texas sector. Due to a lack of available bed space, A.S.R. was processed and released on his own recognizance.

8. On December 11, 2023, A.S.R. was arrested by the New York City Police Department (NYPD) and charged with Assault 3rd Degree: with Intent to Cause Physical Injury, Act in Manner to Injury Child Less than 17, Attempted Assault 3rd Degree: With Intent to Cause Physical Injury, and Harassment 2nd Degree: Physical Contact. ERO Philadelphia is not certain of the disposition for this arrest as New York State has blocked ICE from viewing court records and refuses to cooperate with ICE requests for assistance. Pursuant a sworn statement provided by A.S.R., he admitted that he entered a diversionary program that required his attendance at counseling and anger management treatment.

9. On February 26, 2025, A.S.R. reported to ERO's Philadelphia field office and was taken into ICE custody. A.S.R. was transferred to the Federal Detention Center, in Philadelphia, Pennsylvania where he was detained through March 3, 2025.

10. On March 3, 2025, A.S.R. was transferred to MVPC, in Phillipsburg, Pennsylvania where he was detained through April 15, 2025.

11. On March 11, 2025, A.S.R. was served in person with a Notice to Appear charging him with inadmissibility under section 212(1)(6)(A)(i) of the Immigration and Nationality Act (INA).

12. On March 13, 2025, a custody redetermination hearing was held before an Immigration Judge, who, on March 13, 2025, denied A.S.R.'s request for a change in custody status by written order finding A.S.R. a danger to the community.

13. On March 25, 2025, A.S.R. filed an asylum application as his sole form of relief. He is currently scheduled for a master calendar hearing before the Immigration Court in Elizabeth, New Jersey on May 1, 2025.

14. On April 15, 2025, at approximately 10:30 a.m., A.S.R. was transferred from the MVPC to the Bluebonnet Detention Facility in Anson, Texas, where he is currently detained.

A.S.R.'s DETENTION AT MVPC

15. After A.S.R. was taken into ICE custody on February 26, 2025, on March 3, 2025, he was transferred to the MVPC, served an NTA, and placed into removal proceedings.

16. MVPC houses adult male and female ICE detainees of all classification levels, whose immigration cases are in various stages before ICE, the Executive Office for Immigration Review (EOIR), Board of Immigration Appeals (BIA), and/or a federal court. Male and female detainees are housed separately and have no interactions – no sight or sound- at all times. The maximum population at MVPC is 1,878. As of April 16, 2025, MVPC housed 1491 detainees.

17. All the detainees at MVPC are in administrative custody and are detained pursuant to the detention authorities under the INA.

18. While the detainee population at MVPC changes on a daily basis, based on current available information, I am unaware of any Venezuelan citizens detained at MVPC who

are confirmed members of 'Tren De Aragua' (TdA) and have been, are, or will be subject to the March 2025 Presidential Proclamation entitled "Invocation of the Alien Enemies Act Regarding the Invasion of the United States by Tren De Aragua."

Pursuant to 28 U.S.C. § 1746(2), I declare under penalty of perjury that the foregoing is true and correct.

Executed this 16th day of April of 2025, Philadelphia, Pennsylvania.

A handwritten signature in black ink, appearing to read "D O'Neill", written over a horizontal line.

David O'Neill
Deputy Field Office Director